

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

SSA BONDS ANTITRUST LITIGATION

This Document Relates To All Actions

1:16-cv-03711-ER

ORAL ARGUMENT REQUESTED

**DEFENDANT GARY McDONALD'S
NOTICE OF MOTION TO DISMISS
THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that Defendant Gary McDonald, upon the accompanying Memorandum of Law, Declaration of Gary McDonald, and Declaration of Kevin Roberts, as well as Defendants' Motion to Dismiss For Lack of Subject Matter Jurisdiction and Failure to State a Claim and its accompanying memorandum of law, by and through his undersigned attorneys at Morrison & Foerster LLP, hereby moves this Court, before the Honorable Edgardo Ramos, United States District Judge for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, on a date and at a time designated by the Court, for an order, pursuant to Rules 12(b)(1), 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing with prejudice the Consolidated Amended Class Action Complaint (ECF No. 306) in this action in its entirety for lack of subject matter jurisdiction, lack of personal jurisdiction, and failure to state a claim upon which relief can be granted.

Dated: December 12, 2017
New York, New York

MORRISON & FOERSTER LLP

/s/ Adam J. Hunt

Bradley S. Lui (*pro hac vice*)
2000 Pennsylvania Avenue, NW
Washington, D.C. 20006
Telephone: (202) 887-1500
Facsimile: (202) 887-0763
Email: BLui@mofo.com

Adam J. Hunt
250 West 55th Street
New York, New York 10019
Telephone: (212) 468-8000
Facsimile: (212) 468-7900
Email: AdamHunt@mofo.com

*Attorneys for Defendant Gary
McDonald*

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2017, I caused to be served a true and correct copy of Defendant Gary McDonald's Notice of Motion to Dismiss the Consolidated Amended Class Action Complaint via ECF on counsel of record for Plaintiffs.

Dated: New York, New York
December 12, 2017

/s/ Adam J. Hunt

Adam J. Hunt